

REMARKS

Favorable reconsideration of this application in view of the above amendments and the following remarks is respectfully requested. By this amendment, claims 1-14 have been amended to more clearly present the subject matter of the instant application. New claims 15-43 have been added. Applicant submits that no new matter has been added, and formal notice of such is respectfully requested. Currently, claims 1-14 are pending of which claims 1, 7, 13-15, 28, and 36 are independent.

The Examiner is thanked for indicating that claims 1-3, 5-9, 11 and 12 are allowable. The Examiner is also thanked for indicating that claims 4 and 10 would be allowable if rewritten or amended to overcome the rejection under 35 USC 112, second paragraph. Claims 4 and 10 have been amended to address the Examiner's minor section 112, second paragraph, concern. Applicant submits that claims 1-12 are in condition for allowance and formal notice of such is respectfully requested.

New claims 15 - 43 have been added to more fully relate the subject matter disclosed in the instant application. Applicant submits that no new matter has been added. Applicant further submits that these new claims are in condition for allowance.

The drawings were objected to by the Examiner. Two (2) sheets of amended drawings have been submitted under separate cover. Changes to the drawings have been marked or circled in red. Entry of these changes to the drawings is respectfully requested.

In particular, Figures 1 and 2 have been labeled as "Prior Art," and reference numerals 32-1 and 32-2 have been included on Figure 4, as requested by the Examiner. As to reference numerals 44 and 45 of Figure 6, proper reference to these reference numerals has been included

in the specification at page 12. Applicant respectfully submits that these minor changes to the drawings address the Examiner's objections, and withdrawal of the objections is respectfully requested.

The proper form of the specification, specifically the Abstract, was noted by the Examiner. The Abstract has been amended to comply with formal requirements, such as form and length. Applicant respectfully submits that the Abstract is now in proper form. Entry of the noted changes is respectfully requested.

Claims 4 and 10 were rejected under 35 USC 112, second paragraph, for indefiniteness. Claims 4 and 10 have been amended to eliminate the lack of antecedent basis for the phrase, "said commanded RF power distribution." Applicant respectfully submits that these minor amendments to claims 4 and 10 obviate the Examiner's concerns. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 13 and 14 were rejected under 35 USC 103(a) as unpatentable in view of the prior art of Figure 2 in combination with Honkasalo (U.S. Patent No 6,064,663). This rejection is respectfully traversed.

Claims 13 and 14 have been amended to more clearly present the subject matter of the instant application. Specifically, claims 13 and 14 have been amended to clarify that the multiplexer performs constant envelope multiplexing, as described above.

The prior art of Figure 2 lacks the claimed constant envelope multiplexer. Honkasalo relates to varying the data transmission rate for a CDMA telecommunications system by using multiplexed channels for data rate increase. Honkasalo also lacks the claimed constant envelope multiplexer. In fact, the Examiner relies upon Honkasalo to describe baseband filtering after multiplexing. This is not the claimed system or method of independent claims 13 or 14.

Applicant respectfully submits that neither the prior art of Figure 2 nor Honkasalo, alone or in combination, describe or suggest the subject matter of claims 13 or 14. Accordingly, withdrawal of this rejection is respectfully requested.

Applicant submits that all pending claims are in condition for allowance, and formal notice of such is solicited. If the Examiner has any questions, the Examiner is requested to contact the undersigned at the number listed below.

Applicant hereby petitions for any extension of time that may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted,



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